

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

WESLEY TURNER,

Plaintiff,

v.

No. 1:24-cv-00269-LF

PROGRESSIVE CASUALTY INSURANCE COMPANY and
PROGRESSIVE NORTHERN INSURANCE COMPANY,

Defendants

ORDER DENYING MOTION FOR SUBPOENAS

This case arises out of an accident caused by a vehicle operated by a “negligent driver” and “insured by Progressive.” Complaint of Negligence, Harassment, and Unlawful Tort of Conversion, Doc. 1, filed March 19, 2024 (“Complaint”). Plaintiff asserts negligence and conversion claims against Defendants.

Plaintiff now asks the Court to issue subpoenas “necessary for proper court findings.” Motion to Request Court to Order Su[b]p[oe]nas Necessary for Proper Court Findings, Doc. 6, filed March 26, 2024 (“Motion for Subpoenas”). The Court denies Plaintiff’s Motion for Subpoenas as premature. The Court notified Plaintiff that his Complaint failed to state a claim and ordered Plaintiff to file an amended complaint. *See* Order for Amended Complaint, Doc. 5, filed March 21, 2024. Production of evidentiary materials is not necessary for Plaintiff to prepare an amended complaint. *See* Fed. R. Civ. P 11(b)(3) (factual contentions must “have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery”). The Court may issue subpoenas, if necessary, during the discovery phase of this case.

IT IS ORDERED that Plaintiff's Motion to Request Court to Order Su[b]p[oe]nas Necessary for Proper Court Findings, Doc. 6, filed March 26, 2024, is DENIED. Plaintiff's amended complaint remains due on April 11, 2024.


UNITED STATES MAGISTRATE JUDGE